

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Nancy J. Miles
Debtor(s)

Bankruptcy Case No.: 18-20596-JAD
Issued Per Aug. 23, 2018 Proceeding
Chapter: 13
Docket No.: 35 – 2, 21
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 15, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 3; Wells Fargo Bank at Claim No. 8 .
- ☒ H. Additional Terms: The claim of HC Processing Center at Claim No. 1 governs as unsecured.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: August 27, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Nancy J. Miles
 Debtor

Case No. 18-20596-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 35

Date Rcvd: Aug 27, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 29, 2018.

db +Nancy J. Miles, 225 Oakvale Blvd., Butler, PA 16001-3517
 cr +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 14776398 +AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088
 (address filed with court: American Honda Finance Corp., 201 Little Falls Drive,
 Wilmington, DE 19808)
 14776400 CBCS, P.O. Box 2724, Columbus, OH 43216-2724
 14776401 Chase, P.O. Box 15298, Wilmington, DE 19850-5298
 14799776 First Associates Loan Servicing, LLC, as agent for Mtkplc LG Trust, P.O. Box 503430,
 San Diego, CA 92150-3430
 14777990 HC Processing Center, P.O. Box 268808, Oklahoma City, OK 73126-8808
 14776405 Loan Depot, P.O. Box 504125, San Diego, CA 92150-4125
 14776408 Mr. Cooper (formerly Nationstar), P.O. Box 650783, Dallas, TX 75265-0783
 14794297 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096
 14776410 +P & B Capital Group, LLC, 455 Center Road, Buffalo, NY 14224-2100
 14801584 +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
 14776413 +ROI, P.O. Box 549, Lutherville Timonium, MD 21094-0549
 14776411 +Richard J. Leavy, 111 N. Euclid Avenue, Parker, PA 16049-7313
 14776416 +UPMC Health Services, P.O. Box 371472, Pittsburgh, PA 15250-7472
 14816661 UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
 14816575 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
 14776417 +WFF Nat Bank, 800 Walnut St., Des Moines, IA 50309-3504
 14795288 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 28 2018 02:19:42
 PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
 14779593 E-mail/Text: ally@ebn.phinsolutions.com Aug 28 2018 02:09:43 Ally Bank, PO Box 130424,
 Roseville, MN 55113-0004
 14776397 +E-mail/Text: ally@ebn.phinsolutions.com Aug 28 2018 02:09:43 Ally Financial,
 P.O. Box 380901, Minneapolis, MN 55438-0901
 14776399 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Aug 28 2018 02:20:00 Capital One Bank,
 P.O. Box 5155, Norcross, GA 30091
 14776402 E-mail/Text: bankruptcy@hccredit.com Aug 28 2018 02:11:17 HC Processing Center,
 P.O. Box 829, Springdale, AR 72765-0829
 14776403 E-mail/Text: cio.bncmail@irs.gov Aug 28 2018 02:09:49 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 14819833 E-mail/Text: bkr@cardworks.com Aug 28 2018 02:09:35 MERRICK BANK,
 Resurgent Capital Services, PO Box 10368, Greenville, SC 29603-0368
 14807410 +E-mail/Text: bankruptcydpt@mcmcg.com Aug 28 2018 02:10:27 MIDLAND FUNDING LLC,
 PO BOX 2011, Warren MI 48090-2011
 14776406 +E-mail/Text: bknotices@mbandw.com Aug 28 2018 02:10:49 McCarthy, Burgess, and Wolff, Inc.,
 26000 Cannon Road, Bedford, OH 44146-1807
 14776407 +E-mail/Text: bkr@cardworks.com Aug 28 2018 02:09:35 Merrick Bank, 10705 S. Jordan Gtwy.,
 Ste. 200, South Jordan, UT 84095-3977
 14791944 E-mail/PDF: cbp@onemainfinancial.com Aug 28 2018 02:20:16 ONEMAIN, PO BOX 3251,
 EVANSVILLE, IN. 47731-3251
 14776409 E-mail/PDF: cbp@onemainfinancial.com Aug 28 2018 02:20:17 One Main Financial,
 Bankruptcy Department, P.O. Box 140489, Irving, TX 75014-0489
 14832330 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 28 2018 02:31:18
 Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk, VA 23541
 14777120 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 28 2018 02:20:25
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14776414 +E-mail/PDF: gecsedirecoverycorp.com Aug 28 2018 02:20:17 Synchrony Bank/Amazon,
 P.O. Box 965015, Orlando, FL 32896-5015
 14776415 +E-mail/PDF: gecsedirecoverycorp.com Aug 28 2018 02:20:17 Synchrony Bank/Care Credit,
 P.O. Box 965036, Orlando, FL 32896-5036

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nationstar Mortgage LLC d/b/a Mr. Cooper
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14785668* Ally Bank, PO Box 130424, Roseville MN 55113-0004
 14776404* +Internal Revenue Service, Insolvency Operation, Room 711B, 1000 Liberty Ave,
 Pittsburgh, PA 15222-4107
 14776412* +Richard J. Leavy, 111 N. Euclid Ave., Parker, PA 16049-7313

TOTALS: 1, * 4, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
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Total Noticed: 35

Date Rcvd: Aug 27, 2018

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 29, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 27, 2018 at the address(es) listed below:

Dai Rosenblum on behalf of Debtor Nancy J. Miles Jody@dairosenblumbankruptcy.com,
pjbz@zoominternet.net;Dai@dairosenblumbankruptcy.com;Michael@dairosenblumbankruptcy.com
James Warmbrodt on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Gas Company LLC, f/k/a Peoples TWP LLC
sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 5